



**STATE OF WASHINGTON**  
**OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR**

**DIRECTOR'S REVIEW PROGRAM**

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August 10, 2012

TO: Teresa Parsons, SPHR  
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR  
Director's Review Investigator

SUBJECT: Brian Sharp v. Employment Security Department (ESD)  
Allocation Review Request ALLO-11-117

**Director's Determination**

As the Director's designee, I carefully considered all of the documentation in the file, including the exhibits presented during the Director's review conference and the verbal comments provided by both parties. Based on my review and analysis of Mr. Sharp's assigned duties and responsibilities, I conclude his position is properly allocated to the WorkSource Specialist 2 classification.

**Background**

On October 14, 2011, WorkSource Cowlitz-Wahkiakum Human Resources (ESD-HR) received Mr. Sharp's Position Review Request (PRR) form, requesting that his position be reallocated to the WorkSource Specialist 3 classification (Exhibit B-1).

Ms. Meredith Huff, ESD-HR, conducted a position review and by letter dated December 15, 2011, notified Mr. Sharp that his position was properly allocated to the WorkSource Specialist 2 classification (Exhibit A-2).

On December 16, 2011, the Office of the State Human Resources Director received Mr. Sharp's request for a Director's review of ESD's allocation determination (Exhibit A-1).

On June 28, 2012, I conducted a Director's review telephone conference. Present for the conference was Brian Sharp, Becky Stephens, Council Representative, WFSE; Sherri Clark, Class and Compensation Specialist, WFSE, and Jeanette Sills, HR Consultant, ESD.

Following the review conference, the parties submitted additional information. Mr. Sharp submitted a final rebuttal reply on July 27, 2012. This information has been added to the record and incorporated as exhibits herein.

### **Rationale for Director's Determination**

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

### **Duties and Responsibilities**

Mr. Sharp works as a WorkSource Specialist in the agency's Kelso Office. His position provides a variety of interviewing, job referral, and placement services to customers. He provides and shares information regarding the full range of agency programs and services. Mr. Sharp states in the PRR that his position supports job seekers by providing assessment, job search skills training, job referrals, and work search guidance so that clients can return to work and gain self-sufficiency.

Mr. Sharp also provides customer service support to the Kelso Office by answering phone calls and emails and directing individuals to the appropriate staff. He also works with WorkFirst parents by providing information about services, requirements, rights and responsibilities and processes and procedures. He makes notes and enters appropriate information into the state's tracking system (i.e. E-Jas) for WorkFirst parents.

Mr. Sharp's duties and responsibilities are summarized from the PRR (Exhibit B-1) as follows:

- 40% Facilitate orientations and workshops: Facilitate job hunter workshops; facilitate sections of the WorkFirst 3 day intensive workshop/orientation; develop and maintain forms and handouts to supplement job hunter series workshops.
- 30% Deliver employment and training services: Provide information about the full range of agency services and programs including WorkFirst and Unemployment Insurance (UI). Direct to appropriate internal or external resources. Ensure customer understands directives. Provide career/employment guidance and training information. Provide staff assisted customer services. Conduct in depth interviews and full/part registrations. Outline labor market information and opportunities. Screen and refer customers to job orders and external job openings.  
  
Reemployment Orientations/JumpStart: Conduct quality initial assessment; make appropriate notes in SKIES and tracking Excel database; assist customers in resource room; develop service plans; provide for continuous engagement.
- 10% Assure customer service and satisfaction: Answer phone calls and emails and direct to appropriate teams; provide timely response and services; provide and maintain quality customer service; perform triage and direct to necessary resources.

- 5% Assessment: Set up and conduct assessments for KeyTrain and JobFit; interpret results; set up customers for additional testing if required.
- 5% WorkFirst customer sign in into the eJAS system; make appropriate notes into the eJAS system; review and sign off on WorkFirst job logs; provide parents with information on services, rights and responsibilities.
- 5% Front desk, resource room assistance.

Mr. Sharp's supervisor, Ms. Nona Mallicoat, is the Administrator for WorkSource Cowlitz-Wahkiakum. (Note: The Supervisor position that Mr. Sharp reports to was vacant at the time Mr. Sharp submitted his review request to ESD HR). She completed the supervisor's section of the PRR (Exhibit B-2), and disagrees with portions of Mr. Sharp's description of duties.

Ms. Mallicoat states Mr. Sharp is performing WSS 2 level duties the majority of the time and is appropriately classified as a WSS 2. She states the majority of work he performs which includes: facilitating orientations and conducting weekly KeyTrain sessions and basic job search workshops; conducting initial assessments and job matches and referrals for WorkSource customers; providing basic information about unemployment compensation, and providing information on the full range of agency core services and programs, all fit within the WSS 2 level class.

In exhibit B-10, Ms. Mallicoat clarifies the basic level KeyTrain class involves getting the client ready to take the assessment (i.e. test) portion of the class, and the O\*Net Profiler session are both open to the public and the majority of attendees are from WorkFirst. She states that this is a basic level class.

Ms. Mallicoat also disagrees with Mr. Sharp's statements in section 5 of the PRR that he independently makes decisions regarding supplemental handouts given at WorkFirst orientations and Job Hunter workshops. In her comments, Ms. Mallicoat states that all handouts are reviewed by members of the management team before implementation. During the review telephone conference Mr. Sharp disagreed with those comments stating that he did independently modify the curriculum (which is based on Job Hunter training modules) and create handouts to fit the particular needs of WorkFirst parents attending the training modules that he taught. Examples of those handouts are included in exhibit A-4.

Ms. Mallicoat also notes her responses are "... a combination of feedback from the Lead in the unit, the former Supervisors, and my own observations."

#### Summary of Mr. Sharp's Perspective

Mr. Sharp asserts the majority of his duties in the WorkSource Kelso office involve delivering intensive services to clients which meet the requirements of the WSS 3 classification. Mr. Sharp asserts the duties he provides to WorkFirst parents reach the WSS 3 level including teaching module portions of the intensive three-day WorkFirst workshop/orientation, signing in participants, and reviewing job logs. He asserts his other duties conducting initial assessments with WorkFirst and other clients; conducting "JumpStart" meetings with UI participants, and teaching Job Hunter modules to the general public reach the WSS 3 level class.

Mr. Sharp contends he performs the same duties as other employees in the office who were reallocated to the WSS 3 class during his absence to a Universal Case Manager 4 position. Mr. Sharp asserts his position was not reallocated upon his return due to a temporary hiring freeze on positions within the agency. Mr. Sharp contends he performs the same duties as those employees in his unit and his position should be reallocated to the WSS 3 class.

**Note:** In Byrnes v. Dept. of Corrections, PRB No. R-ALLO-06-005 (2006), the Board held that “[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position.” Citing to Flahaut v. Dept’s of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

#### Summary of ESD’s Reasoning

While ESD acknowledges a portion of Mr. Sharp’s duties include performing higher level WSS 3 work, ESD contends Mr. Sharp’s position does not provide intensive services to clients a majority of time. ESD asserts the majority of Mr. Sharp’s time is spent performing core services to WorkSource customers, including providing information and answering questions and interviewing job applicants to determine job readiness and making referrals to job openings. ESD acknowledges that approximately 31% of Mr. Sharp’s time is spent performing WorkFirst duties, and conducting JumpStart meetings with UI participants includes approximately 4% of his time. However, ESD asserts Mr. Sharp spends a minority of time performing WSS 3 level work. ESD asserts the portion of his work doing initial assessments and facilitating Job Hunter modules falls within the WSS 2 classification.

ESD asserts Mr. Sharp’s position is properly allocated to the WorkSource Specialist 2 class.

#### Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

#### Comparison of Duties to WorkSource Specialist 3

The Definition for the WorkSource Specialist 3 class states:

(1) Delivers direct core & intensive services to WorkSource, Claimant Placement Program, Food Stamps, WorkFirst Post-Employment Labor Exchange, or College Co-Location customers;

OR

(2) is responsible for providing bilingual outreach services in a designated Migrant and Seasonal Farmworker (MSFW) service area;

OR

(3) is responsible for providing outreach services to eligible Disabled Outreach Veterans' (DVOP) program customers;

OR

(4) as an Employer Outreach Specialist contacts local employers to develop prospective job openings and provide information on services available through WorkSource.

The Distinguishing Characteristics for this class state:

This is the fully qualified professional level. Positions at this level work independently, and spend a majority of time providing intensive services or conducting outreach activities. May issue transportation vouchers or initiate supportive service vouchers, but do not have the authority to obligate supportive service or training funds. [Emphasis added].

Mr. Sharp's position does not fully meet the requirements of the Definition and Distinguishing Characteristics of the WorkSource Specialist 3 class.

A portion of Mr. Sharp's work reaches the intent of the Definition of this class of providing core and intensive services to WorkFirst clients. Mr. Sharp's position does not meet the other qualifiers of this class. For example, he does not provide outreach or bilingual outreach services in a designated Migrant and Seasonal Farmworker (MSFW) service area. Mr. Sharp does not have responsibility for providing outreach services to eligible Disabled Outreach Veterans' (DVOP) program customers. Further, he is not an Employer Outreach Specialist with responsibility for contacting local employers to develop prospective job openings and provide information on services available through WorkSource.

The Distinguishing Characteristics further require incumbents to spend a majority of time providing intensive services to specified clients. In its allocation determination letter, ESD acknowledges Mr. Sharp spends approximately 31% of his time providing higher level intensive services to WorkFirst parents. This includes signing in participants, teaching portions of the three-day WorkFirst orientation/workshop, and conducting assessments (i.e. tests) as part of that and other training. Mr. Sharp explained during the review conference that he modified the established Job Hunter workshop curriculum and prepared handouts unique to the needs of the WorkFirst parents attending the training based on student need, program changes and labor market information, etc.

Mr. Sharp also indicates that this portion of work includes reviewing job logs, and performing other online tracking and monitoring functions for WorkFirst parents. However, in her comments Ms. Mallicoat states that, "In the past he sometimes did the "WorkFirst check-in" which is where you collect the daily logs that they log their hours for, make sure they did enough hours (quick add), and pass on any messages from the counselors (i.e. they used to meet with the counselor), which can be done by anyone (WSS2, 3, 4 etc) in the office but is usually done by a WSS 2, as it is more of an administrative duty. His time sheet would show him charging to WorkFirst during that time, since I firmly believe in accurate time [keeping], and he was supporting WorkFirst, but it is not an intensive level service..."

In addition Mr. Sharp spends approximately 4% of his time conducting JumpStart meetings with UI participants.

Although the typical work examples do not form the basis for an allocation, they lend support to the work envisioned within a classification. The following provides an example of the level of work assigned to the WorkSource Specialist 3 class, as stated in the class specification:

Conducts group and individual employment and/or job training counseling, and outlines options with clients;

Conducts intensive job search workshops and related support group activities;

Assists job seekers and confirms work search activity; develops employability plans; administers skill, interest, and aptitude tests using formal tools.

Portions of Mr. Sharp's duties reach but are not fully consistent with these statements. For example, Mr. Sharp does not regularly conduct group and individual employment and/or job training counseling at the level anticipated by this class. Mr. Sharp does facilitate portions of the intensive WorkFirst orientations approximately 31% of his time.

Mr. Sharp stated during the review conference that he assists job seekers and confirms work search activity for WorkFirst clients, which includes developing employability plans.

The PRR indicates that he administers skill, interest, and aptitude tests for WorkFirst and WorkSource clients during the Job Hunter workshops for approximately 5% of his time. In her comments, Ms. Mallicoat states that, "Mr. Sharp facilitates the basic level "KeyTrain" class which prepares attendees to take the assessment portion of the class. These classes are open to the public and a majority of attendees are WorkFirst. This is a basic class that can be taught by anyone in the office."

Finally, ESD clarified in Exhibit B-13 that the Job Hunter workshops are a basic-level training series and that conducting initial assessments are anticipated at the WSS 2 level.

Therefore, in total, Mr. Sharp spends approximately 40% of his time performing higher-level intensive services to clients at the Kelso Office. However, that work is not the primary focus of his position and does not constitute a majority of his work time.

Mr. Sharp is performing WSS 2 level duties the majority of the time and is appropriately classified as a WSS 2. The majority of work he performs facilitating orientations and conducting weekly KeyTrain sessions and basic job search workshops; conducting initial assessments and making job matches and referrals for WorkSource customers; providing basic information about unemployment compensation, and providing information on the full range of agency core services and programs all fit within the WSS 2 level class.

Based on the totality of information presented, the majority of Mr. Sharp's time is spent providing core services to a variety of WorkSource customers, which includes providing information and answering questions, interviewing job applicants to determine job readiness and making referrals to job openings.

The overall focus and majority of duties performed by Mr. Sharp in his position do not meet the requirements of the WSS 3 class; therefore, his position should not be allocated to that class.

### Comparison of Duties to WorkSource Specialist 2

The Definition for this class states:

Performs professional duties in the delivery of direct core services to customers. Conducts in-depth interview and provide job referrals, placement services, and information regarding agency and partner programs.

The Distinguishing Characteristics for this class states:

This is the fully qualified working level. Positions at this level differ from the WorkSource Specialist 1 in that they work independently and provide a full range of services.

The majority of time is spent performing assignments such as:

- Interviewing job applicants to determine job readiness and/or making referrals to job openings.
- Providing information and answering questions on the full range of agency core services and programs.
- Monitoring Resource Room activities and assisting with workshops.
- Writing and verifying orders.

The WorkSource Specialist 2 class describes the primary focus and overall level of responsibility assigned to Mr. Sharp's position. Mr. Sharp independently provides a full range of core services to clients. The majority of his time is spent interviewing job applicants to determine job readiness and/or making referrals to job openings, providing information and answering questions on the full range of agency core services and programs, and monitoring Resource Room activities. Mr. Sharp facilitates agency basic-level training sessions and assists with intensive level workshops a portion of his time.

It is clear that Mr. Sharp uses his knowledge and experience to provide intensive services to WorkFirst and other clients a portion of his time. However, the primary focus of his position, and the majority of his duties as a whole, is more accurately and fully described by the WorkSource Specialist 2 classification.

A position's allocation is not a reflection of performance or an individual's ability to perform higher-level work. Rather, it is based on the majority of work assigned to a position and how that work best aligns with the available job classifications. Based on the level and scope of the overall duties and responsibilities assigned to Mr. Sharp's position, the WorkSource Specialist 2 classification is the best fit.

When determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Further, positions are to be allocated to the class which best describes the majority of the work assignment. Ramos v DOP, PAB Case No. A85-18 (1985).

In this case, the majority of the duties assigned to Mr. Sharp's position and his level of responsibility are best described by the WorkSource Specialist 2 classification. Mr. Sharp's position should remain allocated to that class.

**Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 521 Capitol Way South, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 586-4694.

If no further action is taken, the Director's determination becomes final.

c:     Brian Sharp  
       Becky Stephens, WFSE  
       Teresa Eckstein, ESD  
       Lisa Skriletz, OSHRD

Enclosure: List of Exhibits

**BRIAN SHARP v ESD**

**ALLO-11-117**

**A. Brian Sharp Exhibits**

1. Director's Review Form received December 16, 2011 (3 pages)
2. ESD allocation determination dated December 15, 2011 (4 pages)
3. Hand count of all hours spent working on WorkFirst duties per time sheets, calendars from Nov. 2010 to June 2011
4. Curriculum and examples developed by Mr. Sharp (sample resume, cover letter worksheet, helpful hints for job seekers, "Master" resume outline) (6 pages)
5. Reallocation requests for all other WorkSource Specialist II's who are now WorkSource Specialist III's doing like work: (pages 1-51)
  - a. Personnel Action Request for Jodi Murphy (page 1)
  - b. Letter of Approval, Jodi Murphy (page 2)
  - c. Position Description, Jodi Murphy (page 3)
  - d. WorkSource Organizational Chart (page 9)
  - e. Position Review for Reallocations, Jodi Murphy (page 10)
  - f. Position Review Request, Jodi Murphy (page 11)
  - g. Personnel Action Request, Pochi Ostergren (page 19)
  - h. Letter of Approval, Pochi Ostergren (page 20)
  - i. Position Description, Pochi Ostergren (page 21)
  - j. Position Review for Reallocations, Pochi Ostergren (page 27)
  - k. Position Review Request, Pochi Ostergren (page 28)
  - l. Personnel Action Request, Chris Cotton (page 37)
  - m. Letter of Approval, Chris Cotton (page 38)
  - n. Position Description, Chris Cotton (page 39)
  - o. Position Review for Reallocations, Chris Cotton (page 44)
  - p. Personnel Action Request, Sara Whisnant (page 45)
  - q. Letter of Approval, Sara Whisnant (page 46)
  - r. Position Description, Sara Whisnant (page 47)
6. Layoff Letter as WorkSource Specialist II, Brian Sharp (2 pages)
7. Response to ESD HR Notes from Brian Sharp dated July 9, 2012, attachments:

- a. Copy of ESD chart with notations
  - b. Highlighted responses to ESD comments
  - c. Chart comparing WSS 2 and WSS 3 duties
8. Final response dated July 27, 2012 from Brian Sharp to Teresa Eckstein's response to Kris Brophy's request for clarification to the Job Hunter workshop.

B. ESD Exhibits

1. Position Review Request signed by Brian Sharp on 10/12/11 and by Nona Mallicoat, Administrator, on 10/28/22 (6 pages)
2. PRR Supervisor section with attachment from Ms. Mallicoat stating her disagreement with some of Mr. Sharp's statements. (2 pages)
3. Position Description form for position #3507X (Mr. Sharp's position) signed but not dated. (4 pages)
4. Working copy of WSS2 (358F) class specification (2 pages)
5. Organization chart for WS Cowlitz/Wahkiakum office.
6. Performance and Development Plan (PDP) Expectations signed by Jan Baur and Brian Sharp on 11/22/10. (2 pages)
7. WSS3 (358G) class specification (4 pages)
8. E-mail dated 12/1/11 from Ms. Mallicoat responding to questions from Meredith Huff (ESD HR) (3 pages)
9. E-mail dated 12/7/11 from Mr. Sharp re: breakdown of duties (2 pages)
10. E-mail dated 12/13/11 from Ms. Mallicoat re: Mr. Sharp's breakdown of duties (2 pages)
11. Position Review Request Determination dated 12/15/11 sent to Mr. Sharp (5 pages)
12. Chart defining Intensive Services titled, "ESD HR Notes – WSS3 Intensive Services and Core Services"
13. Email response dated July 18, 2012 from Teresa Eckstein to Kris Brophy regarding the scope of the Job Hunter workshops. Includes three attachments:
  - a. WorkSource Initial Assessment Desk Aide
  - b. PowerPoint slides with screen shots of "SKIES" system
  - c. Excel spreadsheet summary of services Brian Sharp entered for clients in 2011 and email pasted from Nona Mallicoat with further explanations.

C. Class Specifications/Other

1. WorkSource Specialist 2
2. WorkSource Specialist 3
3. Email from Kris Brophy to Teresa Eckstein dated July 16, 2019 requesting additional clarification of intensive services